



SO ORDERED.

SIGNED this 13 day of June, 2007.



Randy D. Doub
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION**

IN RE:

CASE NO.

**MICHAEL OLIVER VANDERPOOL
SHELIA FAYE VANDERPOOL**

06-03991-8-RDD

DEBTORS

ORDER DISMISSING MOTION WITHOUT PREJUDICE

This matter is before the court on the Bankruptcy Administrator's motion to set aside the confirmation order entered in this case. A hearing was held in Wilson, North Carolina on June 13, 2007.

Michael Oliver Vanderpool and Shelia Faye Vanderpool filed a petition for relief pursuant to chapter 13 of the Bankruptcy Code on December 6, 2006. The debtors' case was randomly audited by the Bankruptcy Administrator's office, and based upon the findings of the auditor, the Bankruptcy Administrator's office moves to have the confirmation order entered in this case on February 21, 2007 set aside.

Bankruptcy Rule 7001(5) requires "a proceeding to revoke an order of confirmation of a chapter 11, chapter 12, or chapter 13 plan" to be filed as an adversary proceeding. Because this

matter needs to be filed as an adversary proceeding instead of as a motion, the Bankruptcy Administrator's motion is **DISMISSED WITHOUT PREJUDICE**, and the Bankruptcy Administrator may proceed with the filing of an adversary proceeding pursuant to Bankruptcy Rule 7001(5).

SO ORDERED.

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